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Fraternal Meetings

CANTON OAHU NO. 1, P. M. I. O. O. F.

Meets every second Friday of the month, at 7:30 p. m., in Odd Fellows' Hall, Fort Street. H. T. MOORE, Commandant. PAUL SMITH, Clerk.

POLYNESIA ENCAMPMENT NO. 1, I. O. O. F.

Meets every first and third Friday of the month, at 7:30 p. m., in Odd Fellows' Hall, Fort Street. Visiting brothers cordially invited to attend. A. E. CLARK, N. G. C. O. HOTTELL, C. P. L. L. LA PIERRE, Sec.

EXCELSIOR LODGE NO. 1, I. O. O. F.

Meets every Tuesday evening, at 7:30 p. m., in Odd Fellows' Hall, Fort Street. Visiting brothers cordially invited to attend. A. E. CLARK, N. G. L. L. LA PIERRE, Sec.

HARMONY LODGE NO. 3, I. O. J. F.

Meets every Monday evening, at 7:30 p. m., in Odd Fellows' Hall, Fort Street. Visiting brothers cordially invited to attend. W. F. GERRING, N. G. E. R. HENDRY, Sec.

PACIFIC REBEKAH LODGE NO. 1, I. O. O. F.

Meets every second and fourth Thursday, at 7:30 p. m., in Odd Fellows' Hall, Fort Street. Rebekahs are cordially invited to attend. ANNIE BIDDINGER, N. G. JENNY JACOBSON, Sec.

OLIVE BRANCH REBEKAH LODGE NO. 2, I. O. O. F.

Meets every first and third Thursday, at 7:30 p. m., in Odd Fellows' Hall, Fort Street. Rebekahs are cordially invited to attend. MAE CANTIN, N. G. HAZEL CRANE, Sec.

OCEANIC LODGE NO. 371, F. & A. M.

Meets on the last Monday of each month, at Masonic Temple, at 7:30 p. m. Visiting brethren and members of Hawaiian and Pacific are cordially invited to attend. CHAS. A. BON, W. M. F. WALDRON, Sec.

LEAHI CHAPTER NO. 2, O. E. S.

Meets every third Monday of each month, at 7:30 p. m., in the Masonic Temple. Visiting sisters and brothers and members of Lei Aloha Chapter No. 3, are cordially invited to attend. ALICE G. HERRICK, W. M. ADELAIDE M. WEBSTER, Sec.

LEI ALOHA CHAPTER NO. 3, O. E. S.

Meets at the Masonic Temple every second Saturday of each month, at 7:30 p. m. Visiting sisters and brothers are cordially invited to attend. MARGARET HOWARD, W. M. LOUISE A. TRUE, Sec.

LADIES' AUXILIARY, A. O. H., DIVISION NO. 1.

Meets every first and third Tuesday, at 8 p. m., in C. B. U. Hall, Fort Street. Visiting sisters are cordially invited to attend. ROSE ERIKSON, W. E. C. MAUD O'SULLIVAN, Sec.

ANCIENT ORDER HIBERNIANS, DIVISION NO. 1.

Meets every first and third Wednesday, at 8 p. m., in C. B. U. Hall, Fort Street. Visiting brothers cordially invited to attend. ROSE ERIKSON, W. E. C. J. T. CAPEY, Sec.

MYSTIC LODGE NO. 2, K. of P.

Meets every Tuesday evening, at 7:30 p. m., in K. of P. Hall, corner Fort and Beretania. Visiting brothers cordially invited to attend. S. S. WEBER, C. C. E. WALDRON, K. R. S.

WILLIAM MCKINLEY LODGE NO. 8, K. of P.

Meets every Saturday evening, at 7:30 p. m., in Pythian Hall, corner Beretania and Fort streets. Visiting brothers cordially invited to attend. L. E. TWOMEY, W. P. E. A. JACOBSON, K. R. S.

HONOLULU TEMPLE NO. 1, PYTHIAN SISTERS.

Meets every first and third Monday, at 7:30 p. m., at Knights of Pythias Hall, Fort and Beretania streets. All visitors cordially invited to attend. ROSE ERIKSON, W. E. C. GRACE O'BRIEN, M. of R. & S.

COURT CAMOES NO. 8110, A. O. F.

Meets every second and fourth Tuesday of each month, at 7:30 p. m., in San Antonio Hall, Vineyard street. Visiting brothers cordially invited to attend. J. P. REGO, C. R. M. C. PACHECO, F. S.

CAMOES' CIRCLE NO. 240, C. O. F.

Meets every second and fourth Thursday of each month, at 7:30 p. m., in San Antonio Hall, Vineyard street. Visiting companions are cordially invited to attend. M. C. PACHECO, C. C. R. J. BORGES, F. S.

COURT LUNALILO NO. 8600, A. O. F.

Meets every first and third Wednesday evening of each month, at 7:30 p. m., in Pythian Hall, corner Fort and Beretania streets. Visiting brothers cordially invited to attend. WILLIAM AHA, C. R. JAS. K. KAULIA, P. C., F. S.

HONOLULU ABBIE 140, F. O. E.

Meets on second and fourth Wednesday evenings of each month, at 7:30 p. m., in Pythian Hall, corner Beretania and Fort streets. Visiting Eagles are invited to attend. L. E. TWOMEY, W. P. H. T. MOORE, Sec.

HONOLULU HARBOR NO. 54, A. A. of M. & P.

Meets on first and third Sunday evenings of each month, at 7 o'clock, at Odd Fellows' Hall. All sojourning brethren are cordially invited to attend. By order Worthy President, L. L. LANE, FRANK C. POOR, Sec.

THEODORE ROOSEVELT CAMP NO. 1, U. S. W. V.

Meets every first and third Wednesday, at 7:30 p. m., in Block corner Bethel and Hotel, at 7:30 p. m. Visiting comrades cordially invited to attend. O. SCHWEDTKE, Commander.

MARINE ENGINEERS BENEFICIAL ASSOCIATION.

Meets second and fourth Mondays of each month at the new K. of P. Hall, corner Fort and Beretania streets. E. HUGHES, Pres. H. G. WOOTEN, Sec.

CHUNG WAH LODGE NO. 4, K. of P.

Meets every second and last Tuesday of each month, at 7:30 p. m., in Visiting brothers are cordially invited to attend. E. S. KONG, C. C. SAMUEL L. WONG, K. of R. & S.

HAWAIIAN TRIBE NO. 1, I. O. R. M.

Meets every first and third Thursday of each month, in K. of P. Hall, corner Fort and Beretania streets. Visiting brothers cordially invited to attend. A. D. CASTRO, Sachem. A. E. MURPHY, C. of R.

THEOSOPHICAL SOCIETY, OAHU LODGE.

Room 62 (second floor), Alexander Young building. During summer months, room closed, and activities suspended until further notice.

HONOLULU SCOTTISH THISTLE CLUB.

Meets on the first and third Friday, at 7:30 p. m., in rooms in Oregon Block, entrance on Union street. JAMES C. MCGILL, Chief. JOHN MACAULEY, Sec.

HONOLULU LODGE 616, B. P. O. E.

Honolulu Lodge No. 616, B. P. O. E., will meet in their hall, King street, near Fort, every Friday evening. By order of the E. R. FRANK E. RICHARDSON, E. R. HARRY H. SIMPSON, Sec.

TWO NOT THE SAME AS EIGHT

Boston Case in Lowrie Versus Castle Not Identical With Action Here.

Another step in the \$400,000 damage suit brought by William J. Lowrie against H. P. Baldwin et al. was made yesterday when memoranda for the plaintiff on the defendants' application for an order staying proceedings until the Massachusetts court has decided the action brought there was filed. The memoranda cites a host of authorities against the order for a stay of proceedings, arguing that the case in the Hawaiian courts and that in Boston are different actions.

The Boston action states other causes of action besides those set out in the complaint filed here. There are five counts there and only three here. Moreover, there are no two counts that are identical. The plaintiff quotes to the effect that in ordinary actions a suit, pending in one state cannot be pleaded in abatement or in bar of another suit in a different state, but that both may proceed until judgment is rendered in one of such suits, when it may be set up in bar of the further maintenance of the other.

Objection also is taken to the claim that the defendants in both actions are the same, there being only James B. and W. R. Castle named in the Boston action and six others in the action here. "Two are not the same as eight," is the axiomatic summing up of this phase of the argument.

"The plaintiff selected the Massachusetts forum, because it is a convenient one for him," states the memoranda. "He brought the action here, because certain defendants whom he endeavored to serve there procured an order setting aside the service upon them, and he wishes to save his rights against these defendants, and also against the S. N. Castle Estate, Limited, and perhaps some other persons if he finds that they may be made party defendants."

JUDGE DOLE REVERSES HIMSELF.

Judge Dole yesterday morning rendered a decision in the case of Jacob B. Lawellill versus George U. Hind and James Ralph Jr., doing business under the firm name of Hind, Ralph & Co., in which he reverses a decision of his own in a former case and acknowledges that mature consideration has convinced him of the error of his former judgment. The action is a case in admiralty, in which the papers were served on J. S. Low and Hind, Ralph & Co. as agents. It was contended that the service should be set aside on the grounds that neither Low nor Hind, Ralph & Co. were the proper parties to serve.

A portion of the decision says: "In America, while there is ample provision for service of process on the agents of absent corporations, the local laws generally requiring from the corporations the nomination of agents on whom process may be served yet there are no precedents that I have been able to find for similar service on agents of absent partnerships. On the other hand, the English practice has developed a rule that where an absent company has brought itself within the jurisdiction of the local courts, by trading on its soil and under protection of its laws, the head officer or manager of such business within the jurisdiction might be served with process."

"The libellees were doing business in Honolulu and at San Francisco, and both partners resided in San Francisco. Their Honolulu house is conducted by Mr. J. S. Low, who was recognized by them as their attorney in fact. The ship which occasioned the injury to libellant was out of the jurisdiction, and it became, supposedly, necessary for the libellant to bring his action in personam. If the rule is followed that there can be no service on the agent or manager of a branch house of a firm in the absence of the partners, it would appear that this libellant would be deprived of his right to prosecute his case. Although this court is not required to follow the local rules of practice in similar proceedings, yet, under the laws referred to and rule of Admiralty No. 46, it is authorized and empowered, within the limits of the statutes and the rules of Admiralty made by the Supreme Court, to regulate its 'own practice as may be necessary or convenient for the advancement of justice and the prevention of delays in proceedings'. Sec. 918 R. S. U. S."

"I therefore base the decision in this matter on the ground of the necessity that some reasonable service shall be possible for the furtherance of justice and for the prevention of delay, and that it shall not be said that any persons, either singly or as partners, may do a maritime business in this country and escape legal responsibility by living out of the jurisdiction of the Federal Court."

"With the opportunity of a more exhaustive study of the point raised by the motion, which the releasing has given, I do not hesitate, in accordance with the foregoing considerations to reverse the former decision on this point, but reaffirming such decision as to the other points raised by the libellee's briefs. The motion to set aside the service of summons is overruled. The syllabus is as follows:

"Practice. Authority of district court to regulate its own practice. In cases not provided for by the Admiralty Rules or legislation it is competent for a district court to regulate its 'practice' as may be necessary or convenient for the advancement of justice and the prevention of delays in proceedings."

"Same. Service of summons on agent of absent partners in Admiralty proceedings. Under Section 913 and 918 R. S. U. S. and the 46th Admiralty Rule, a district court may in admir-

alty proceedings in personam recognize service of process by a simple motion in the nature of a summons to appear and answer, on the agent and manager of a branch house of absent partners, as valid."

Messrs. Smith & Lewis, proctors for libellees.

WITNESS ACCUSES SHERIFF.

John Marks made an amazing admission in Judge Lindsay's court yesterday during the trial of R. W. Holt on a charge of having stolen two cows from the Dowsett Company in February last, retracting the principal statements made by him before the grand jury and stating that that confession had been made under the compulsion of Sheriff Haukea and Detective Joe Leal.

This case is exciting a great deal of interest and the courtroom was filled nearly all day yesterday while the evidence was being taken. Besides the evidence given by Marks, who was himself arrested on the charge and who had practically turned state's evidence before the trial, H. M. von Holt identified two hides, introduced as evidence, as having once covered cattle with which he was acquainted. These hides have had the brands cut out, a suspicious circumstance in the opinion of the prosecution.

M. F. Prosser is representing the Territory as prosecuting attorney and A. G. M. Robertson is conducting the defense.

ALL PAPERS ON SECRET FILE.

A new rule in regard to court documents has been put into effect in the clerk's office at the Judiciary building. Formerly it has been the custom to have practically all the papers filed put into boxes which were available for whoever wanted to go up and look over them. A few papers were not treated in this way, being filed immediately in what has come to be known as "the secret file," secret in a comparative sense. Now all papers are placed on the "secret file," being indexed in a book and produced on demand. Anyone wishing to examine any of these documents has to ask for it specifically and give a receipt for it during the time it is in his hands. This system does away with any secrecy but is a decided inconvenience in other ways. As it makes much more work for the court clerks it is not greeted by them with any degree of pleasure.

COURT NOTES.

A motion to allow Marion Myhre, plaintiff in a divorce suit against George C. Myhre, the sum of \$250 as traveling expenses, \$15 a day maintenance during the hearing of her case, and a reasonable attorney's fee, was filed before Judge De Bolt yesterday. The plaintiff in this case is in California.

Pong Sin, doing business as Sun Kam Wo, at Waipahu, has filed a petition in bankruptcy in the Federal Court. He declares his assets to be \$1615 and his liabilities at only \$364, but his assets are mainly in accounts owing him and not at present collectible.

A notice of decree upon appeal was filed in the Supreme Court yesterday, addressed to the Honorable Alexander Lindsay, Jr. It reverses Judge Lindsay's decision in the matter of Lahapa Ernestberger versus Kaimanahua et al. The case of Alice M. McChesney against the Honolulu Soap Works has been continued until December 10, by stipulation.

REALTY TRANSACTIONS

Entered of Record Oct. 29, 1907.

Kanamu Koko to Kaolu and wf. D Napela (k) to Akoni (k)..... L W E Rowell to J A Wilder..... L Philip H Dodge by regr..... Notice Maria G da Costa to Theresa Petersen..... R W J Moody to Kahului Railroad Co Ltd..... C M W J Moody to Kahului Railroad Co Ltd..... C M

Recorded October 24, 1907.

W McCandless and wf to Charles M Cooke, Ltd. D: por R P 1953, kul 97B, and kul 221, cor Alakea and Merchant Sts. Honolulu, Oahu; \$10,000. B 296, p 384. Dated Oct 23, 1907.

J A M Osorio and wf to M G Sant' Anna, Exchg D: por gr 2179, Punchbowl St. Honolulu, Oahu. B 296, p 386. Dated Jan 20, 1906.

M G St Anna to J A M Osorio, Exchg D: por gr 2179, Punchbowl St. Honolulu, Oahu. B 296, p 386. Dated Jan 20, 1906.

Daniel Kealoa and wf to Makalika Fuller et al. D: por gr 2186 and kul 2032 Alpaako, Honolulu, Oahu. B 296, p 389. Dated Oct 24, 1907.

Pinehaka K Nalhe and wf to P C Beamer, M: lot 5, gr 4972, Nanawale, Puna, Hawaii; \$500. B 297, p 220. Dated Oct 9, 1907.

J K Kahepau to Evan Da Silva, M: lot 16 (10 34-100 a land) Volcano Road, Puna, Hawaii; \$500. B 297, p 222. Dated Oct 19, 1907.

Est of C E Richardson by Agt of Exors to Henry Iten and wf, Rel: lots 167 and 168, pat 4309, Olaa Reservation, Puna, Hawaii; \$4000. B 297, p 224. Dated Aug 9, 1907.

Est of C E Richardson by Agt of Exors to C W Hill and wf, Rel: lots 120, 122 and 123, Sec "C," pat 4388 and lot 333, pot 4385, Olaa, Puna, Hawaii; \$4000. B 297, p 224. Dated Sept 20, 1907.

Henry Iten and wf to Exors of Est of C E Richardson, M: lots 167 and 168, pat 4309, Olaa Reservation, Puna, Hawaii; \$3500. B 297, p 225. Dated Aug 9, 1907.

C W Hill and wf to Exors of Est of C E Richardson, D: lots 120, 122 and 123, Sec "C," pat 4388 and lot 333, pot 4385, Olaa, Puna, Hawaii; \$4000. B 296, p 391. Dated Sept 20, 1907.

Chock Chong to John Fitzgerald, C M: leasehold and 2 story bldg, Front St. Hilo, Hawaii; \$834. B 297, p 227. Dated Oct 14, 1907.

Iopa and wf to O T Shipman, D: int in ap 2, R P 6844, kul 7312, Honomou, Kau, Hawaii; \$1. B 296, p 392. Dated May 28, 1907.

O T Shipman to C Brewer & Co, Ltd, D: int in ap 2, R P 6844, kul 7312, Honomou, Kau, Hawaii; \$50. B 296, p 393. Dated Oct 18, 1907.

Paahu (k) to Kaolanali (w), D: 1 a of gr 1819 and bldg, Kawaipapa, Hana, Maui, \$10, etc. B 296, p 380. Dated July 13, 1906.

**Auction Sale**

SATURDAY, NOV. 2, 1907, 12 O'CLOCK NOON

TWO SIX-ROOM COTTAGES NEW!

NOT ONE CENT FOR REPAIRS
Gulick Avenue

Sidewalks; Road Macadamized. New concrete schoolhouse close by. Park within half a block. Clear, cool, healthy atmosphere.

Very Little Cash.

\$1000 can remain on mortgage; pay it off every three months. **YOUR HOME! YOUR CHANCE!** Remember! In first-class order.

JAS. F. MORGAN, AUCTIONEER.

The Dove Residence

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Saturday, November 2, 1907, 12 o'clock noon.

At my salesroom, 857 Kaahumanu street, I will offer for sale at

Public Auction

The above property consisting of well-finished

12-Roomed House

(Two Story)

built entirely of cedar; double walls; concrete and stone base; marble slab floored conservatory with bathing pool in center. There are 5 large, lofty bedrooms, 2 toilets and large bath room; very large hallways and lobby; closets in every room; reception room; large living room; dining room; library; 2 pantries; kitchen; stable; coach house; servants' rooms. The view is unexcelled; looking down over the city, harbor and ocean, on either side are the valleys of Nuuanu and the palis of Kalihi, while in the rear are the famous pali bluffs and beautiful scenery of the upper Nuuanu. The climate is cool, snappy and bracing—recommended by physicians as a particularly desirable residence part of town.

The property almost adjoins the fashionable Country Club. There are good macadam roads, electric lights, telephones and water service, while the cars are expected to run by the place in two months. The lands are four acres with various kinds of soil.

For particulars apply to

JAS. F. MORGAN, AUCTIONEER.

Commissioner's Sale

OF

Valuable Lands

SITUATE AT

POHAKALAWAIA, KALIHI, HONOLULU,

COUNTY OF OAHU, TERRITORY OF HAWAII.

Pursuant to a decree of mortgage foreclosure and sale made by the First Judge of the Circuit Court of the First Circuit, said Territory, on October 9, 1907, in a suit No. Equity 1594, entitled Francisco Marques vs. S. N. Lukua and Rebecca Lukua, the undersigned as Commissioner appointed by said decree, will sell at public auction to the highest bidder for cash, subject to confirmation of court,

On Wednesday, Nov. 6, 1907, AT 12 O'CLOCK NOON,

at the auction rooms of James F. Morgan,